

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Alexander Williams, Jr.,

Plaintiff,

-against-

City of New York et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 8/16/2023

1:22-cv-10537 (JHR) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

During a telephone conference on July 13, 2023 with Plaintiff and counsel for the appearing defendants, City of New York and Mayor Eric Adams, the Court Ordered as follows:

1. No later than July 20, 2023, the New York City Law Department shall provide to the Court the last known address for Warden Jean Rene. (*See* Waiver of Service Returned Unexecuted, ECF No. 21.)
2. No later than August 15, 2023, the Law Department, which is the attorney for and agent of the New York City Department of Correction (“DOC”), shall ascertain the identify and badge number of each newly added John/Jane Doe defendant¹ whom Plaintiff seeks to sue in the Second Amended Complaint (SAC, ECF No. 36) and the address where the defendant may be served.² *See Valentin v. Dinkins*, 121 F.3d 72, 76 (2d Cir. 1997).

¹ This requirement does not apply to defendant SRT Officer Vest Number 57, given the Law Department’s prior efforts to ascertain the identify of this defendant (*see* Response to Valentin Order, ECF No. 45; *see also* Pl.’s Letter, ECF No. 55) and Plaintiff’s statement on the July 13, 2023 call that he no longer seeks service of such defendant.

² If a Doe defendant is a current or former DOC employee or official, the Law Department should note in the response to this order that an electronic request for a waiver of service can be made under the e-service agreement for cases involving DOC defendants, rather than by personal service at a DOC facility. If a Doe defendant is not a current or former DOC employee or official, but otherwise works or worked at a DOC facility, the Law Department must provide a residential address where the individual may be served.

3. The Court requests that the remaining Defendants named in the SAC, who have not already done so, waive service of summons.³
4. No later than October 31, 2023, Plaintiff shall file a Third Amended Complaint naming the remaining John/Jane Doe defendants. Plaintiff is reminded that the Third Amended Complaint will replace, not supplement, the previous complaints and must comply with Federal Rule of Civil Procedure 8. *See Harnage v. Lightner*, 916 F.3d 138, 141 (2d Cir. 2019) (“While we construe *pro se* pleadings liberally, ‘the basic requirements of Rule 8 apply to self-represented and counseled plaintiffs alike.’”) (quoting *Wynder v. McMahon*, 360 F.3d 73, 79 n.11 (2d Cir. 2004)).
5. The deadline for the served defendants to fulfill their obligations under Local Rule 33.2 is adjourned *sine die*.

However, the written Order setting forth the foregoing inadvertently was not filed on the ECF docket. Accordingly, it is hereby Ordered that, no later than August 23, 2023, the City shall file a letter providing: (1) the last known address for Warden Jean Rene (see paragraph 1 above); (2) an update on the Law Department’s efforts to ascertain the identified of the defendants set forth in paragraph 2, which also shall take into account the information supplied by Plaintiff in the letter filed on August 15, 2023 at ECF No. 57, and a proposed extended deadline for completion, if

³ In response to the January 26, 2023 Order of Service (ECF No. 12), DOC was unable to waive service for six defendants that it was unable to identify. (See ECF No. 21.) During the July 13, 2023 conference, Plaintiff clarified that Warden Cortz, who is named in the SAC as Warden Court, is actually Warden C. Cort. Plaintiff further clarified that CO Gaines is Erica Gainous and that DW Flemming is DW Ebonni Flemming, named in the SAC as Ebonee Flemming. Accordingly, the Court requests that DOC waive service for these defendants as well. Plaintiff stated that he no longer seeks service of the other three defendants named in the original complaint that DOC was unable to identify.

necessary; and (3) whether the remaining defendants named in the SAC (see paragraph 3) have agreed to waive service of summons.

SO ORDERED.

DATED: New York, New York
August 16, 2023

A handwritten signature in black ink, appearing to read "Stewart D. Aaron", written over a horizontal line.

STEWART D. AARON
United States Magistrate Judge